G R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1905-06
(Murai)

File No. 472

Serial Nos.

Papers Filed.

*Month*_____

SUBJECT.

Archakship in the Sri Mallikarjuna S Temple at Mudaktore in the T.N. Taluk.

PREVIOUS REFERENCES	LATER REFERENCES

MUZRAI SECRETARIAT

OFFICE NOTE.

File No.

SUBJECT.

Puja Hak in the Sri Malli-
-karjunaswami temple at Muduktore.

From

The Dy Commissioner Mysore
District.

No. 36 Dated 15th July 1905

The Correspondence ending with the Dy Commissioner's letter no 36 dated 15th July 1905 relates to the Pujaership held by one Boliyyana Malliah in the Sri Mallikarjunaswami temple at Muduktore in the T. Narasipur Taluk. From the records it is observed as follows:—

Boliyyana Malliah was one of the Archaks in the said temple and his term of office extended

extended for a period of 3 months in a year. He died ~~[illegible]~~ on the 1st March 1905 leaving his second wife Subbamma, the first wife Gowramma having predeceased him. It is reported that, on the day of his death, he sent up a petition to the Amildar, stating that his turn of puja would commence on the 6th idem and praying that as he was ill, his elder brother's son Sargur Mallah might be permitted to do duty. His request was accordingly complied with and Sargur Mallah was doing the duty. On the 22nd March 1905 one Mallamma petitioned the Amildar stating that the deceased Balaggana Mallah had adopted her husband (Kannooragga) who has since died leaving a minor boy named Sivappa of 5 or 6 years old; and that the obsequies of the deceased

Muzrai Secretariat. | File No. of 190

were performed in the name of the minor; and praying therefore that the Baravard, which stood in the name of the deceased, might be transferred to the name of her minor son, the duties being performed during his minority by Belakavadi Mallia the elder brother of her mother-in-law. In the course of enquiry by the Amildar, Subbamma the second wife of the deceased, deposed before that Officer on the 30th March 1905, denying all knowledge of the adoption of Kamiraggu by her deceased husband, and stating that the funeral ceremonies of the deceased were performed by his brother's sons Mallappa and Chandrasekharagga. She also

Slip A.

deposed that, even if the adoption of Kannooragga by her deceased husband were proved to be true, she was not willing to have the Barovard of her husband transferred to the name of his minor grand son (Sivappa) and that she wished to get it transferred to her own name, the duties being performed by her brother Maragga alias Maridmoree. Chenna-Veeroppa (Subbamma's own brother), Basappa, Patel of the Village, and Sivanappa, Yezman of the Gaumadi Caste, all unanimously deposed before the Amildar, Slip A stating that the adoption ~~by~~ of Kannooragga by the deceased Boliggana Mallieh was true; that in the minor son Sivappa's name the obsequies of the deceased were performed; and that the statement of Subbamma

Muzrai Secretariat. | File No. of 190

was false - The Amildar Mr. F. S. Raghavachar, thereupon recommended to the Division Assistant Commissioner, that as it was clear that the minor Sivappa was the only male Varasdar to the deceased Pujari, the Barwand might be made in his name, the duties being performed by Marayya alias Maridwam, as agreed to by both the contending parties viz Mallamma and Subbamma - He also stated that, in anticipation of sanction, he had issued

orders to the temple Parpathagar to have the charge delivered to the said Maridwam. — Before —

passing an order on the Amildar's report, which had been received through the Division Assistant Commissioner, Subbamma presented a petition to the Dy Commissioner on the 29th April 1905, ~~stating~~ alleging that her husband had executed a will

a copy of which dated 28th February 1905 (Eli is in the File) in favour of herself and his brother's son Mallioh, transferring to them all his property, including the Puja hak in question, and requesting that, in pursuance of the said will, the Puja Barovard be made in her name, the said Mallioh being permitted to do duty on her behalf. The Will does not appear to have been registered. The Dy Commr (Mr Sparkes) thereupon issued an order to the Amildar on the 1st May 1905, directing him that, pending final orders of Government on the subject, Maridwaru who had been doing the work (under the orders of the Amildar), should be removed and Mallioh, who was selected by the petitioner Subbanna, be appointed temporarily as her Gumasta. He at the same time

Muzrai Secretariat. | File No. of 190

No 396 dated 4th May 1905 Slip C

time addressed a letter to the Muzrai Secretary, recommending the transfer of the Baravard to the name of Subbamma and the appointment of Malliah, selected by her, as her Gumasta. He also stated that, pending receipt of the Government orders, he had issued orders to the Amildar to appoint the said Malliah as temporary Gumasta.

Before orders were passed on the Dy Comr's Communication referred to above, Mallamma, widow of Kannooraga (the alleged adopted son of the deceased Balayyana Malliah) presented a petition to this Office on the 5th May 1905 stating that Subbamma (who has no issue) had no manner of right, title, interest and claim

Slip D

and that her (Mallamma's) son Sivappa to the only rightful and legal claimant. This petition is pending disposal. In support of her allegation that her deceased husband Kannooragga was the adopted son of the deceased Balaggana Malliah, she has presented to this Office, through his Advocate Mr Appu Rao, a registered document (Sale Deed) dated 6th June 1893, executed by Balaggana Malliah and his adopted son Kannooragga in favour of one Sivappa, for having sold a land of theirs ~~own~~ to the said Sivappa for Rs 50. Slip E

The question for decision is, who is the proper hakdar to the deceased Injari Balaggana Malliah - whether Sivappa, his alleged grand-son, or Subbamma his (deceased's) second wife

wife; and to whose name the Sujee Baravard should be transferred.

Submitted

ks
26/7/05

1114
No. 593 D/28.7.05 Eu/1 file

Forwarded to the Secretary to Government, General & Revenue Departments for favour of being placed before a Committee of Council, as the question relates to Sujee hak.

By order

[signature]
Secretary to Govt
Muzrai Department

ks

I
[illegible]
29-7-05

P.T.O

Muzrai Secretariat. | File No. of 190

1453
26.9.05

No. R 4073 of 25-9-05
Mus.

Returned with the observation that the records will go back to the Deputy Commr, Mysore District, for submission of his findings on the following two points

(1) as to the truth or otherwise of the adoption relied upon by Mallamma and Sivappa

(2) as to the genuineness or otherwise of the will relied upon by Subbamma

The case stands adjourned to 23rd Novr 1905.

By Order
[signature]
25/9/05. For Secretary

Recd 25/9/05

Draft order subtd 26/9/05

No. 2430 Enclosure one file.
The entire records received

Before the Government of His Highness the Maharaja of Mysore.

Appeal No 20

~~Appeal No.~~ of 05 06

Appellants or Parties to be heard Vs. ~~Respondent.~~

(1) Subbamma widow of Bolayana-Mallah

(2) Sivappa, minor, represented by his mother Mallamma widow of Kannurayya ~~adopted son of~~

SUBJECT

Claim to the Pujahak of Mallikarjuneswara-swami at Madukadore in the T. Narsepur Tk

Notice issued on 31-8-05 ~~23-9-05~~

Date of hearing 23-9-05

Served on both

Subbamma & Mallamma (latter as guardian of her minor son Sivappa) appear in person & by Mr Varadarajaiyengar & T. Appu Rao respectively.

Order

The Dy Comr has not expressed his opinion (1) as to the ~~[illegible]~~ the truth or otherwise of the adoption relied upon by Mallamma & Sivappa & (2) as to.

ICPB 1000 28 1 05

the genuineness or otherwise of the will relied upon by Subbamma. The record will go back to him for submission of his findings on these two points. Adjd till the 23rd Novr/05.

[signature]
23/9/05.

[signature]
23/9/05

D.C. Mysore No 1658 & 27.9.05.

Submitted

The records in the case have not yet been received from the Munzarai Sectt

[signature]
22/11/05

Recd
22-11-05.

Parties appear as before.
Records with the Dy Comrs findings have not yet been received
Adjd till the 19th Proximo. An urgent reminder should be sent

[signature]
23/11/05 — 11-05

G.R.S. 12]

encral and Revenue Secretariat.

File No. of 190

Serial No.

The Deputy Commr, who had been addressed to on the above two points, states that he concurs with the Divisional Assistant Commr and the Am , who are of opinion that the adoption relied upon by Mallamma and Sivappa is true and that the will relied upon by Subbamma is not genuine. (Vide D C's letter No 285 of 21 11 05 herewith attached)

Ann From D.C. Mysore No 285 of 21-11-05

21/10/05 Subbamma in person & by Mr Varadarajiyar & Sivappa (by his guardian Mallamma) in person & by Mr Abbu Rao

Heard arguments

Order reserved

19-12-05

19/12/05.

Vide Decision Kept Septy ann

NOTE—Contd sheet

MGCPB—20 600 -1-11-04

Decision.

This controversy relates to the hereditary office of Arabak of Sri Malikurjunaswami temple at Mudukdore of the T. Narsipur Taluk. One Balaiyyan Mallin was entitled to a three months turn of the office. He held it until his death which took place in March last. There has since been a dispute as to who should be appointed to succeed him, the contr parties being (1) Subbamma the widow of the deceased, & (2) Swappa the minor son of one Kannuraiyya the alleged adopted son of the deceased. ~~The former~~ No 1 claims both under the law of inheritance & under a will said to have been by

Serial No.

-by the deceased, and she further repudiates the adoption set-up by ~~the~~ No 2 - The latter on the other hand impugnes both the genuineness & the validity of the will, and asserts that his father Kommaraiyya was duly adopted by the deceased during the lifetime of ~~[illegible]~~ his first wife Gowramma who was childless and sometime before the marriage of his second wife Subbamma No 1. A map of evidence was adduced by both parties in support of their respective contentions. After a careful consideration of the same & of the probabilities of the case, the Amildar, the Assistant Commissioner & the Dy Commissioner have all concurred at the conclusion that the adoption relied upon by ~~the~~ No 2 is true while the will set up by No 1 is false - No disputes the correctness of this finding ~~[illegible]~~

Serial No. 7

7. Gout ~~for~~ held that there is overwhelming evidence of a satisfactory & credible character in proof of the adoption of No 2's father by the deceased Balangyan Mallia. A large no of respectable people were summoned & in their presence a document (not now traceable) was written and the adoption duly made ~~with~~ ~~[illegible]~~ this was followed by a general feeding & by a distribution of pansupari. The adopted person subsequently lived with the adoptive father who got his marriage performed. To the last he continued to reside with the latter. Both you dealt with the family property in their respective capacities of ~~adopted~~ father and son as is abundantly clear from a sale deed executed by them in favor of one Swamappa so far back as the year of ~~the~~ 1893. The father and brother of ~~the~~ No 1 who are certainly not prejudiced against have themselves admitted the adoption. In

Serial No.

These circumstances, Govt have no hesitation in accepting No. 2's case of adoption as conclusively established. The relationship alleged by No. 2 being thus placed beyond all reasonable doubt, it follows that he is entitled to succeed to the vacancy in preference to No. 1. and that the will, even if genuine, would not in any way affect this right.

34 And now coming to the will, Government find that the evidence offered in proof of its authenticity is most conflicting and unsatisfactory. The probabilities are also decidedly unfavourable. The deceased was leaving behind him a grandson in his adopted son, & there was absolutely no need for making any disposition of his property in the manner mentioned in the will. The

[It is a circumstance surely provocative of suspicion that the will was not produced or even mentioned until a somewhat late & late stage of the proceedings.]

MGCPB—50,000—17-2-05

G.R.S. 12]

eral and Revenue Secretariat. | File No. of 190

Serial No.

A mildar has clearly shewn that no credence can be attached to ~~the~~ No 1's story, and the Apte Jour & the Dy Jour have agreed with him. This concurrent finding is in the opinion of Government unapailable. The office moreover was not a transferable property & Govt do not see how the deceased caused by any death-bed act of his exclude or disinherit his legal heir and representative No 2.

5) For the foregoing reasons, Govt direct that No 2's status be recognized and his claim allowed & that suitable temporary arrangements be made for the performance of the duties of the office during his minority.

— O Gelinwasenjar
27/12/05.

To Branch I
To Inorg Sgt Cle
29.12.1905

MGCPB 50,000—17-2 05

Offer
Ann
S/12

P.I.O.

G.R.S. 12]

General and Revenue Secretariat.

File No. [illegible] of 190

3059

Serial No.

U.O. No. 619

16/1/06

Returned to the Muzrai Secretary with draft approved decision as above and, endorsement & the entire records of the case for issue

Pet Geo D'Souza
For Secretary Genl.
Rev. Department

SVR
16/1/06.

(2)

Presented in person by Mallamma. Call for records for a report from 4 [illegible] 5/5/05

4104

To
The Muzrai Commissioner
in Mysore Bangalore.

The Humble Petition of Mallama the widow of Kannooraya, adopted son of Bolayana Mallaya, for herself and on behalf of her minor son Shivappa, one of the Thammadiga of the Shri Mallikarjuna Swamy Temple of Madkathorai, Thirma Kudla Narsipur Taluq, Thalakad Hobli, Mysore District.

Most Humbly and respectfully sheweth

That the late Bola Mallaya was the Baravarda Thammadiga of the said Mallikarjuna Swamy Temple. He not having male issue, took in adoption one Kannoraya, the deceased husband the Petitioner who has by him a son named Shivappa, a minor aged about 10 years. The said Kannoraya pre-deceased his adopted father, Bolayana Mallaya who died about ~~[illegible]~~ 2 months ago, ie, in the month of February last, leaving him surviving a widow named Subbama and the Petitioners as his heirs and legal representatives. The said Bo-layana Mallaya was possessed of the right to perform puja in the said Temple for a period of 3 months in two years.

The turn of the said Bolayana Mallaya for the Puja having accrued, the Petitioner applied to the Amildar of T. Narsi-pur Taluq that the Baravarda of the said Puja may be transferred and confirmed in the name of her minor son Shivappa aforesaid and that one Maraya, the brother

of the Said Subbanna may be appointed to perform the Puja during the minority of Shivappa. On this the Amildar made full and minute enquiry in the matter as to the right of Shivappa, and in that book down the depositions of Subbanna and other relations, as also the depositions of the Potail of the Village and of the Yajamans of the Caste, and passed the order confirming the Baravand in Shivappas name and directing that the Puja should be performed by Marayya, during Shivappa's minority (Vide order no $\frac{497}{767}$ bearing date 31st March 1905) The Said Marayya accordingly entered upon his duty.

That thereupon the Said Subbanna at the instigation and ill-advice of some persons inimicable to the Petitioner presented to the Deputy Commissioner of Mysore praying that the Baravanda transferred by the Amildar in the name of minor Shivappa may be removed and be transferred and confirmed in her name and one Saragoor Mallayya may be appointed to perform the Puja. The Deputy Commissioner without calling for the previous record from the Taluq Cutcherry and without notice to the Amildar, has, the Petitioner is informed and believes, passed the order in compliance with the request of Subbanna and the Saragoor Mallayya has been put in charge of the Puja in anticipation of the confirmation of the Said order from your Honors Office.

The Said Subbanna has no manner of right title interest and claim whatsoever in the Said Puja and the Petitioner's son Shivappa is the only rightful and legal claimant in the Same.

The Petitioner therefore most humbly prays that the order of the Deputy Commissioner of Mysore may not be confirmed

and

...d given effect to as the sa
...ite prejudicial and adverse
the legal rights of her minor son
Kiwappa

And will Ever Pray.
mark of Mallama

Dated 5th May 1905

430 D/23.11...

44-92 Letter no 285/2291 dated 21st November 1905 from the Dy Com Mysore District, regarding the Archakship in the Sri Mallikarjuna-Swami Temple at Muduktare in the T. Narasipur Taluk.

The entire records received from the Dy Comr today are herewith forwarded together with this Office File to the Genl. Revenue Secretariat for favour of being placed before the Council Court.

Today is the date of hearing.

By order

23/11/05

Dft

Secretary

Mugrai Dept

~~189~~ 1904 - 1905.

From
H. H. Sparkes Esq:
Deputy Commissioner
Mysore District,

To
L. Anantasawmi Rao Esq: B.A.
Secy: to the Govt. of H.H. the Maha-
raja of Mysore, Mugrai De-
partment, Bangalore -

Dated 4th May 1905

Despatched

Received

General No. 396
No.

Enclosure No. one file as per Pharad

Recommends that the
baraward of the deceas
Boliana Malliah, a Sir-
didar Archak of the Sri
Mallikarjuna Swamy's
temple at Mudakathore
in the T. Narsipur Taluk
be made out in the
name of his 2nd wife
by name Subbamma
Malliah being appoint-
ed as her Gumasta

MYSORE GOVERNMENT
4095
MUZRAI SECRETARIAT

EA Mar 96.

7/5/05

Deputy Commissioner's Office
Mysore District
Dated Mysore 4th May 1905.

No 396
Encl: one file

To
L. Anantasawmi Rao Esq: B.A.
Secretary to the Government
of His Highness the Maharaja
of Mysore, Mugrai Department,
Bangalore

Sir,

In forwarding herewith the file of Vernacular papers received with Yadi No 1341/985 of the 26th April 1905 from the Senior Assistant Commissioner Nanjangud Division, I have the honor to state as follows:—

2. Bokana Mallah one of the Archaks and a Sirdidar for a period of 3 months of the Sri Malli-Karjunaswamy's temple at Mudakathore in the T. Narsipur Taluk, is reported to have died on 1st March 1905, leaving behind him his 2nd wife by name Subbamma.

3. One Mallamma states that the deceased Bokana Mallah had an adopted son; that she is his wife having a minor son

son named Shivappa and that the baraward of her f-in-law might be transferred to her minor son's name, Mariah being appointed as the minor's gumasta.

4. But Subbamma requests that, as she is the lawfully wedded wife of the deceased Boliana Malliah, the baraward be made out in her name, Malliah, nephew of her husband, being appointed as her gumasta. She further denies the adoption alluded to above.

5. The Amildar of the T. Narsipur Taluk after making necessary enquiries, recommends that the baraward may be made out in the name of Shivappa (Mallamma's son) Maridev-ru being appointed as his gumasta.

6. The Divisional officer has simply submitted the papers for orders.

7. After hearing Mr. B. Krishnak advocate for Subbamma an in pursuance of Government order No 1057-65½ Muz 790-93 dated

dated 14th April 1894, I beg to submit the file of papers for favour of Government orders with the recommendation that the baraward of the deceased be kindly ordered to be made out in the name of Subbamma, the 2nd wife, Mallayya, whom she has selected, being appointed as her gumasta.

3. Pending receipt of Government orders, I have issued orders to the T. Narsipur Taluk Amildar to appoint Mallayya as temporary gumasta instead of Mari Devaru whom the Amildar has, in anticipation of sanction, appointed.

I have the honor to be,
Sir,
your most obedient servant,

[signature]
Deputy Commissioner
Mysore District

id
3.4

MUZRAI

9 —19

FROM

To

The Deputy Commissioner,
Mysore District

Dated 18th May 1905

Despatched

Received

General No. 4215 & 4216
Muzrai F. No.

Enclosure 1 File

With reference to his letter No. 396, dated 4th May 19 reporting that the Barawara of the 3 months' share of the Archakship in the Sri Malli Kar junaswami temple at Mudukutore in the Narsipur Taluk, which was in the name of the deceased Archak Boliara Matha has been made out by him in the name of one Subbamma, 2nd wife of the deceased, has the honor to forward herewith petition Regd. No. 4104, dated the 5th May 1905, received from

Mallamma, daughter-in-law

the deceased Archak, appealing

inist the Deputy Commissioner's

er, and to request that the

cuments, if any, relating to the adoption of her husband Kannoorian by

~~tive records of enquiry made~~ the deceased Archak ~~Bolian~~ Boliania

~~the Amildar of the I Narsipur~~ Malliah may be obtained

~~[illegible] may be obtained and~~ from the appellant and

bmitted ~~with a report thereon~~

this Office at an early date.

The enclosures to his letter

der reply are returned herewith

reference and re-submission.

By Order,

17/5/05

Secretary

Muz Dep'tt.

17/5/05

Encl to return

4216
18.5.05

మృగుంటశ్రీమద్విమలాంబ
రవరగవ్నమంటమలుపరాలు
ఇలాంపేలుంద

ఓ నరశివురకాల్లాకు మతగదోం
లుల్లయిరువ మల్లకాఘ్రకస్తాలుదేశ
పూంపారినరదిదారపోల్లశ్రీ ఉప్పకమ
శ్రీ ఉప్పకనోంనీ మల్లమ్మనిగి-
యింతాశ్రీ.

నీవు ఉపాంతిగాంటర్మాతికోంత
మ 5 కీమరత్నం 4104 కీ కుంగు లవ్వీలో
ఘోరవాంగరినలాలు మ-
మృతవట్టకిమ్మమాంవపోల్లశ్రీ ఉ
కు-కిన్నలుపమాంగకీర్ణాశ్రీ ఉప్పకన్న
దత్తుమాంతికోంతశగ్వాంపరత్నాలిప
మాంలకాందదాంపలాంకన్నకిమ్మంపడ
పెప్పతిశకోంతులుల్లగీకేళులు

ಬೆಲ್ಕೆಂಕ ಮೃಗಾಲಯಕ್ಕೆ ಕ್ಷೇತ್ರವರಿಗೆಲ
ಲಂಡಿದಂಲ್ಲಾಂದ ಶಕೆಗೆಲು ಪ್ರೇಕ್ಷಿಲುವ
ದು -

By Order,

Dft

17/5/05

Secretary,
Muz. Deptt

17/5/05

Recd 30/5/05
Place with the file
30/5/05

4440

Before the Muzrai Secretary
to the Govt of Mysore —

Sivappa, minor by
mother Mallamma — —
#
Subbammah

The memo of the Petr
appellant
The petitioner appellant
prays to produce
herewith the Regd ~~copy~~ copy
~~of the~~ original sale-deed executed
by Mallaiah & his adopted
son Kannuriah on 6.6.73,
the same having been
signed by the said 2
persons.

Appellant
counsel for petr

APPU RAO, B.A., B.L.,
ADVOCATE, BANGALORE.

30/5/05
Bangalore

MUZRAI

1901

From

To The Deputy Commr
Mysore Distt

Dated 20th
Despatched June 1905.
Received

General No. 4711
Muzrai F. No. 44-92
Enclosure No.

In inviting refer
to this office docket no 4215
18th May 1905, requesting
obtain from Mallamma, dau
in-law of Boliana Malliah
late Archak of the Sri Mall
Karjunaswamy temple at
Mudakatore in the Narsipur
Taluk ~~and to submit~~ the
documents, if any, relating
the adoption of her husband
by the deceased Archak,

MGCPB—11-1-1901—1500

nonon to state that ~~the~~ a registered deed

~~ments in question were was~~ has been

esented in this office by the ~~said in~~ appellant's Advocate

~~[illegible]~~ and to request, that

e enclosures forwarded under

ener of the communication

ferred to above may be re-transmitted, together with any

view to the disposal of the pending documents if any

~~other~~ question.

By order.

[signature] 15/6/05

Secretary

[signature]

13/6/05

~~[illegible]~~

Law of 41

MYSORE GOVERNMENT
282
17.7.05.
MUZRAI DEPARTMENT

189 1905-1906.

FROM
H. H. Sparkes Esq:
Deputy Commissioner
Mysore District.

To
L. Anantasawmi Rao Esq B.A.
Secy: to Govt. Muz: Deptt.

Dated 15th July 1905.

Despatched

Received

General No. 35
No.

Enclosure No. one file

Returns the petition of Mallamma and the file of papers rec. with Zadi No. 54/40 dated the 4th July 1905 in re the baraward for the 3 months' share of the Archakship in the Sri Mallikarjunaswamy temple at Mudakatore

Deputy Commissioner of
Mysore District.

Dated, Mysore 15th July 190

No
Enc: one file

To
L. Anantavarmi Rao Esq: B.A.
Secretary to the Government of
His Highness the Maharaja of
Mysore, Miscellaneous Department.

Sir,

As called for in your docket No 4215 dated 18th May 1905 and subsequent docket No $\frac{4711}{44-92}$ dated the 20th June 1905, I have the honor to retransmit the petition of Mallamma received with the above together with the file of vernacular papers ending with the Nanjangud Division Assistant Commissioner's Yadi No $\frac{54}{40}$ dated the 4th July 1905 and to state that the said Mallamma is reported to have presented certain documents to your office direct.

I have the honor to be,
Sir,
your most obedient servant

Deputy Commissioner
Mysore District.

Muzrai

Read -

Letter no 36 dy 15th July 1905 from the Dy. Commr. Mysore District, submitting the records relating to the Baraward for 3 months' share of the Archakship in the Sri Mallikarjunaswami Temple at Mudukture, T Narasipur Taluk

---

o 1658 Ent file Order thereon —

Dy 27. 9. 1905 —

The records are returned to the Dy Commr, for submission of his findings on the following two points —

(1) as to the truth or otherwise of the adoption relied upon by Mallamma & Suappa, &

(2) as to the genuineness or otherwise of the will relied upon by Subbamma

2. The case, for decision

by Council Court stands adjourned

- 23rd November 1905

26/9/05

Secretary
Muzrai Deptt

26/9/05 by 26/9/05

The Dy Commr, Mysore Dt (with the record

(3)

1905-06.

From
H. H. Sparkes Esq
Deputy Commissioner
Mysore District

To
L. Anantasawmi Rao
Esq B.

Dated 21st Novr '05

Despatched

Received

General No. 285
No.

Enclosure No. one file

MYSORE GOVERNMENT
2291
23.11.05
JERAI SECRETARIAT

Rs
23/11/05

5177
Rev

No 2430 Enone file.

The entire records received from the Deputy Commissioner today are herewith forwarded together with this Office File to the Genl: & Rev: Secretariat for favor of being placed before the Council Court.

Today is the date of hearing.

By order,

L Anantasawmi Rao
Secretary,
Muzrai Department

Submits report on the findings as to the truth or otherwise of the adoption relied upon by Mallamma and Shinappa and as to the genuineness or otherwise of the Will relied upon by Subbamma in connection with the barawan of the 3 months share of Archakship in the Sri Mallikarjunaswami temple at Mudakathore, T. Narsipur Taluk.

P.T.

Rs
23/11/1905

Recd at 3.16 PM
23-11-05

No 285
16-10

Deputy Commissioner's Office,
Mysore District,
Dated Mysore, 21st November 1905.

To

L. Anantha swamy Rao Esquire, B.A.,
Secretary to the Government of Mysore,
Muzaroy Department, Bangalore.

Sir,

Adverting to Government Order No.1658 dated 27th September 1905 calling for the submission of my findings as to the truth or otherwise of the adoption relied upon by Mallamma and Shiwappa and as to the genuineness or otherwise of the will relied upon by Subbamma in connection with the baraward of the 3 months' share of Archakaship in the Sri mallikarjuna swamy temple at Mudukathore in the T. Narsipur Taluk, I have the honor to state as follows:-

2. The records of the regular enquiry held by the Amildar of the T. Narsipur Taluk, disclose that the original adoption deed is not forth coming; that from the evidence of the several witnesses examined on behalf of Mallamma the Amildar is of opinion that the adoption should be considered a fact as the witnesses speak to a dinner having been given them in accordence with the custom prevailing in their caste and that pan supari was distributed not only among the villagers of Mudakathore but also among certain outsiders of neighbouring villages and other brahimins who were invited on the occasion.

3. Basavalingayya, one of the witnesses of Mallamma, has also deposed that he wasengaged as a purohit for the occasion, and the alleged adoption took place in his presence in accordance with the shastras, the deed of adoption being duly attested by him.

4. A reference to the sale deed of the 6th June 1893 (copy enclosed in the file vide Pharist No.36) produced

ed by Mallamma shews that it has been executed by Bolayya-na Mallayya and his adopted son Kannurayya.

5. It is learnt that Mallayya and Chendrashekarayya whose signatures are attested to this sale deed are the same persons alluded to in the will, relied upon by Subbamma. (Vide Pharist No.34/1)

6. Subbamma's own brother Mari Devaru and her father Chenna-Veerappah have also deposed that Kannurayya was adopted by Bolia-na mallayya (Vide Pharist No.2/2 & 2/4)

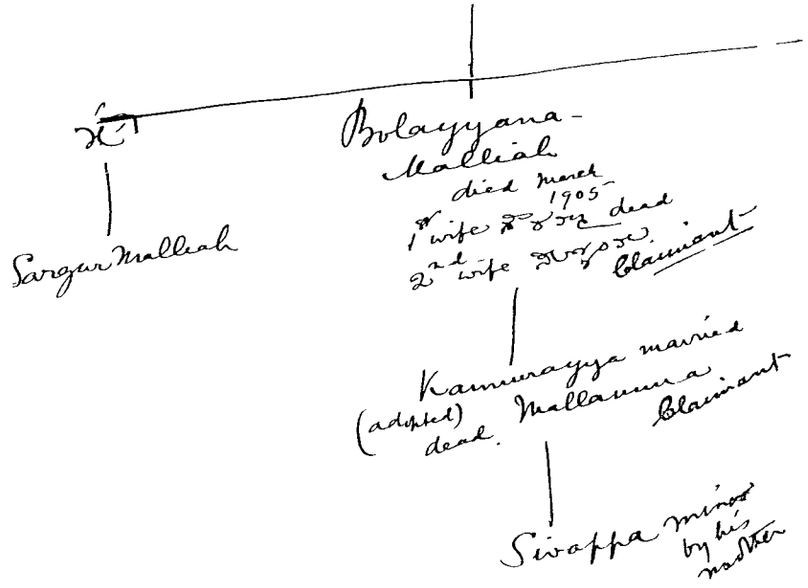
7. Although all the witnesses of Subbamma have deposed that the will is genuine, yet it may be seen that Subbamma has de-posedbefore the Amildar that after she went, to the Shanbhogue's house and called him she did not inform him of the will being drawn up, but that the Shanbhogue brought the writing materials of his own accord, and that her husband signed the will himself without any body's support while on the contrary the shanbho-gue has deposed that he first came to Bolayyana Mallayya, and on being informed that a will had to be drawn up, he returned home, and after he brought the writing materials, he wrote the will to which Bolayyana Mallayya affixed his signature, with the aid of one Rudrayya.

8. There was nothing to prevent Subbamma from producing the will relied upon by her before the Taluk Amildar at the 1st instance when Mallamma petitioned to the Taluk Amildar on the 20th March 1905 praying for the baraward of the 3 months' share of Archikaship being transferred to her minor son, or on the 30th March 1905 when her statement was taken.

9. The signature in the alleged will of Bolayyana Mallayya, who was nearly 60 years of age coupled with the fact that he was ill at the time of signing the will and died the next day after the will was drawn up, as compared with his previous shaky signature in the charge party dated 7-3-03 (Vide Pharist No.37) is very questionable.

10. It is reported that S.Nos 22,160,193/2 and 214 in Betta ha

Appeal No
20 of 05-06



Before the Government of His Highness the Maharaja of Mysore.

Appeal No 20 of 05-06

Appellant ~~Vs.~~ ~~Respondent.~~

Subbamma widow of Bolayyana Malliah Swappa, minor, represented by his mother and guardian Mallamma widow of Konnurayya.

SUBJECT

Claim to the Pujahak of Mallikarjuneswaraswami at Mudukadore in the T. Narasipur Taluk

Subd for appl
may be printed
& published
8/1/06

To 1st Councillor
9/1/1905

.42
1.1.1906

The facts of the case appear sufficiently from the following

Decision

Approved - Yes
10/1/06

To 2d Councillor
10/1/1906
10/1/06

Recd
10.1.06

11/1/06

M G C P B 1000 -28 1 05

Before the Government of His Highness the Maharaja of Mysore.

Appeal No. 20 of 05-06

Appellant ~~Vs.~~ ~~Respondent~~.

1 Subbamma widow of Bolayyana Mallah

(2) Swappa, minor, represented by his mother and guardian Mallamma widow of Konnurayya.

SUBJECT.

Claim to the Pujahak of Mallikarjuneswaraswami at Mudukadore in the T. Narasipur Taluk

The facts of the case appear sufficiently from the following

Decision

Subd, on appl may be printed & published

To 1st Councillor & 9/1.1905 8/1/06

142 1.1.1906

Approved - Yes

To 2d Councillor & 10/1/1906 10/1/06

Recd 10.1.06

11/1/06

M G C P B 1000 28 1 05

Decision.

This controversy relates to the hereditary office of Archak of Sri Mallikarjuneswara swami temple at Mudukdore of the T Narsipur Taluk. One Balaiyyan Mallia was entitled to a three months' term of the office. He held it until his death which took place in March last. There has since been a dispute as to who should be appointed to succeed him, the contending parties being (1) Subbamma, the widow of the deceased, and (2) Sivappa the minor son of one Konnuraiyya the

alleged adopted son of the deceased. No 1 claims both under the law of inheritance and under a will said to have been left by the deceased, and he further repudiates the adoption set up by No. 2. The latter on the other hand impugnes both the genuineness and the validity of the will, and asserts that his father Kommaiyya was duly adopted by the deceased during the life-time of his first wife Gowramma who was childless and sometime before the marriage of his second wife Subbamma No 1. A mass of evidence was adduced by both

parties in support of their respective contentions. After a careful consideration of the same and of the probabilities of the case, the Amildar, the Assistant Commissioner, and the Deputy Commissioner have all concurrently arrived at the conclusion that the adoption relied upon by No. 2 is true while the will set up by No. 1 is false. No. 1 disputes the correctness of this finding.

Government hold that there is overwhelming evidence of a satisfactory and credible character in proof of the adoption of No. 2's father by the deceased Bolaiyyan Mallia. A large number of respectable

people were summoned and in their presence a document (not now traceable) was written and the adoption duly made. This was followed by a general feeding and by a distribution of pansupari. The adopted person subsequently lived with the adoptive father who got his marriage performed. To the last he continued to reside with the latter. Both jointly deal with the family property in their respective capacities of father and son ~~and~~ is abundantly clear from a sale deed executed by them in favour of one Sivanappa, so far back as the year 1893.

the father and brother
of No. 1 who are certainly
not prejudiced against
her, have both admitted the adoption.
In these circumstances,
Government have no
hesitation in accepting
No 2's case of adoption
as conclusively established.
The relationship alleged
by No: 2 being thus placed
beyond all reasonable
doubt, it follows that
he is entitled to succeed
to the Vacancy in prefer-
ence to No: 1, and that
the will, even if genuine,
would not in any
way affect this right.
4 And now coming
to the will, Government
find that the evidence
offered in [illegible]

its authenticity is most conflicting and unsatisfactory. The probabilities are also decidedly unfavourable. It is a circumstance surely provocative of suspicion that the will was not produced or even mentioned and relied upon until a somewhat late stage of the proceedings. The deceased was leaving behind him a grandson by his adopted son and there was absolutely no need for making any disposition of his property in the manner mentioned in the will. The Amildar has clearly shewn that no credence can be attached to No 1's story and the Assistant Commissioner and the Deputy Commissioner have agreed with him. This

Concurrent finding is in the opinion of Government unassailable. The office moreover was not a transferable property and Govt. do not see how the deceased could by any death-bed act of his exclude or disinherit his legal ~~son~~ heir and representative No: 2.

5. For the foregoing reasons, Govt. direct that No: 2's status be recognized and his claim allowed and that suitable temporary arrangements be made for the performance of the duties of the office during his minority.

No. 3104 D/20.1.06. Enc. one file.

Copy of the above is forwarded to the Deputy Commr. Mysore District together with the records received with his letter No. of the

19/1/06

Secretary Munzarai Deptt.

Dft
Ann 8/1/06

(G.)

(5)

Before the Government of His Highness the Maharaja of Mysore.

Appeal No 20 of 05-06

Appellants

Vs

~~Respondent.~~

1 [illegible]

2 [illegible]

SUBJECT

[illegible]

(1) 3106 dt/20.1.06

(2) 3105 dt/20.1.06.

[illegible]

MGCPB 1000 28 1 05

ಶಿಗಾರ್ಸ

ಇದು ತಿರಸು ಹೂ ಅಲ್ಲಿ ನಾಲ್ಕೆಂಟು ಲೆಂಗಿಸು
ಸುಟಗಡೊಳಿ ಸುಲ್ಲಿ ಕಂಳಿಸಿದ್ದಾಂಳು
ಬೇರಸ್ಥಾನದ ಅಬಿಸಿನಿಂಲ್ಲಿ ಬಹ್ಯಿನ
ವಿಷ ಉಸಾಂದ ಭಿರ್ಪದಾಗಿ ಸುಳ್ಳಿ.
ಬಿಂಳ್ಳಿ ಅಲ್ಲಿ ನಸುಲ್ಲಿ ಅಲ್ಲಿ ನಂಬುವಳಗ
ತಿಂಗಳ್ಳಿ ಬರದಿಗೆ ಹಳ್ಳಿ. ಆತನು
ತಿಸ್ಸಸುರಲಾಂದಿ ಅಂದರೆ ಬೆಳಂಬೆ
ಸಾಂಗಿಂದರಿಗೆ ಅಸುಭವಿಸಿ ಬೆಂಬಲ
ಬಂದನು ಭಿರತಿಸ್ಥಿನ ಬಂಡತಿ
ಸಾಬ್ಬಾಳ್ಳ, ~~ಬಂದಿರಿಸಿ ಆದನ ಬಸ್ಸು~~
ಸುಗಡಂಬಸ್ಥಿಂದುಳ್ಳಿ ಅಲ್ಲಿ ನಂಲ್ಲಿ
ಸುಗಡಿಸಿದ್ದ, ಇದರಿಬ್ಬರಲ್ಲಿಂದ
ಹಣಕಲಿ ಬಿಳ್ಳಿ ಹಳ್ಳಿದಾರ ಬಂಬವಿಷ
ಉಸ ~~ಲ್ಲಿ~~ ನಾಳ್ಳ ಅಲ್ಲಿ
ಸಾಬ್ಬಾಳ್ಳ ನಂಬುವಳ್ಳ ಹಳ್ಳಿದಾರಿ
ಉ, ಸುಳ್ಳ ಭಿರತಿ ಆದರನು ಬಿಡ
ದಿಷ್ಟಿದ್ದರು ಯುಲನ ಆಧಾರಗಳ
ಸಿಲಿ ತಿಂಸುಹಳ್ಳಿದಾರಲ್ಲಿಂದು
ಹೀಳುವದಲ್ಲದೆ ತಿರಸ್ಥಿ ಹೀಳುವಿಷ
ಉಲ್ಲಿ ಲ್ಲಿಂದು ಹೀಳುತ್ತಿ
ತಿರಸ್ಥಿನು ಯುಲ್ಲಿ ಅಲ್ಲಿ ಲ್ಲಿಂದಾ
ಹೀಳುವದಲ್ಲದೆ ತಿಸ್ಸ ತಂದಿಯಾ
ತಿಂಗಾಂ ಶಿಲ್ಲಿ ನಾಳ್ಳಿ ಭಿರತಿಯವ

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2 [illegible]

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ಸಂಖ್ಯೆ ೨ ಬಾಂಬೆ ದೇಶದ ಸ್ಥಿತಿ

ಪೆಶಿಷ್ಟೆ (ಈಗಿನ ಬೊಂಬಾಯಿ ಪ್ರಾಂತ)

ಲಿಖಿತ ದೇಶದ ಆಗ ನಂಬಿಕೆಯಿದ್ದ

ಪ್ರಾಂತ ಅರಸರುಗಳಿಗೆ ಬಾಂಬೆ

ಕಾಂಪನಿಯವರು ಆಧಿಪತ್ಯ ಕೊಟ್ಟಿದ್ದರು.

ಈ ದೇಶದ ಸಮಗ್ರ ದೇಶದ

ಕಂದಾಯವನ್ನು ಕಾಂಪನಿ ಸರಕಾರ

ಇದ್ದ ಅರಸರಿಂದ ಪಡೆದು ಆದ

ನಾಗಿದ್ದರು. ಈ ಕಂದಾಯದಲ್ಲಿ

ಸಂಬಳಕ್ಕೆ ದಳ್ಳಿ ಇರುತ್ತಿದ್ದ ಆಡಳಿತ

ಸ್ಥಳಗಳ ವಿಶೇಷ ಅನುಭವಗಳನ್ನು

ಇದ್ದರು. ಇದರಿಂದ ಇವರು 1893ರ

ಇಸ್ವಿ ಅಲ್ಲಿ ಒಬ್ಬ ನೀರ ನಡ್ಡಿಗೆ ಕಟ್ಟಿದ ಕಾಲ

ಅಭಿಪ್ರಾಯ ಕೇಳಿ ಬರೆದು ಕಳಿಸಿ

ಕೊಟ್ಟ ಶಿಫಾರಸ್ಸು ಅದನ್ನೇ ಮಾಡ

ಲಾಯಿತು. ಇದೇ ಸಮಯದಲ್ಲಿ ಸಾಗರ

ಪ್ರದೇಶದ ಅರಸರ ಕಂದಾಯವನ್ನು

ಕಡಿಮೆ ಮಾಡಿ ಕೊಟ್ಟ ಕಾರಣ ಅವರ

ಸ್ಥಿತಿ. ಈ ಕಂದಾಯ ಕಂದಾಯದ

ಕೆಲಸಗಳನ್ನು ಸ್ಥಳೀಯ ಪ್ರಜೆಗಳಿಗೆ

ಕೊಟ್ಟಿದೆ. ಇದೇ ಅವರು ಕಂದಾಯ

ಪದ್ಧತಿಯ ಮತ್ತು ಅನುಭವಗಳನ್ನು

ಇಲ್ಲದೆ ಇರುವದರಿಂದ ಇದೇ ಅವರಿಗೆ

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[illegible]

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43 [illegible]

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By Order

Secretary
Muzarai Deptt

[illegible]
8/1/56

[illegible]

[illegible]

[illegible]

[illegible]

Secy Muza
Deptt

1090

3346
16.3.06.

PB

Recd
5.3.06

3346
16.2.06

OFFICE OF THE PRIVATE SECRETARY TO
HIS HIGHNESS THE MAHARAJA OF MYSORE.
Bangalore 10th February 1906

No. 1769/1

Petition as shown below, to His Highness the Maharaja, is transferred to the Secretary to the Government of His Highness the Maharaja of Mysore, Muzrai Department, Bangalore, for disposal

No. 1090 of 05-06

By Order,

[signature]

I C S.

Private Secretary
to H. H. The Maharajah of Mysore.

No 3419 D/20 2.06.
Encl 1 Petn & 1 Enclt
1 File

Forwarded to the Secretary to
Government, General & Revenue Depts
for

for favour of him placed before the Council Court.

The File on the subject is also sent herewith.

By order

[signature]
Secretary to Govt

[signature] Magnum Dept

Subbamma, widow of Bolaiyana Mallaiya, appellant in A.S. 20 of 05-06, prays for review of the Govt. order in the above case, holding that Sivappa was entitled to succeed to the Puja hak of Mallakarjunaswami at Mudakotore in the T. Narsipur Tk., which was being held by his grandfather Bolaiyana Mallaiya.

No new grounds are urged in the petn.

The Office note & the decision in the above case contain the facts, in full.

Sub d
[signature] 24/2/06.

[signature] 24/2

Sub d for orders
[signature] 26/2/06

[signature] 26/2

Govt see no reason to reopen the case decided after careful consideration. This [illegible] tion is therefore rejected.
[signature]

For Dr Connellor
26.2.1906

1429
26.2.1906

[signature] 26/2/06

[signature] 26/2

For Dr Connellor
27.2.1906

224
27.2.06

G. .2]
General and Revenue
Secretariat.

File No. of 190

Serial No.

Petition may be rejected. [illegible]
28/2/06

To Branch I
28/2/.906

[illegible] 11366
of 2/3/06

Forwarded to the Secretary to Govt in the Muzrai Deptt, for issue of an Endorsement to the party in terms of the Councillor's order.

By Order

[illegible]

For Secretary.

AV
5/3/06

MYSORE ... 3820 7-3-06 SECRETARIAT

Dft as per Council's decision.

[illegible]

No. 3906 Dt/14.3.06.
Encl. one.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 16 [illegible]

[illegible] $\frac{1090}{3346}$ [illegible]

[illegible]

[illegible]

[illegible]

[illegible] 3106 [illegible]

[illegible]

[illegible]

[illegible]

Be, [illegible]

9/3/06

No. 3907

Copy to the D.C. Mysore in contn of this office no. 3104 of 20.1.06.

9/3/06

Secretary

Bro.

Secretary.